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12 *Attorneys for Defendant, Fireworks by Grucci, Inc.*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 BEDROC LIMITED, LLC,

16 Plaintiff,

17 vs.

18 FIREWORKS BY GRUCCI, INC.,

19 Defendants.

20 CASE NO.: 2:21-cv-00936-RFB-BNW

21 **MOTION TO EXTEND PRETRIAL
DEADLINES AND TO MODIFY JOINT
DISCOVERY PLAN AND SCHEDULING
ORDER**

22 **(First Request)**

23 TO THE HONORABLE BRENDA N. WEKSLER

24 Defendant FIREWORKS BY GRUCCI, INC. (“Defendant”) by and through its
25 attorney of record TYSON & MENDES LLP, respectfully submits its First Motion to
26 Extend Pretrial Deadlines and to Modify the current Joint Discovery Plan and Scheduling
27 Order. The parties respectfully show this Court:

28 1. Defendant requests that the Court extend the pretrial deadlines for Fed. R.
29 Civ. P. 26(a)(2) disclosures of experts (initial designations & rebuttal experts), and the
30 remaining deadlines, as set forth in the Joint Stipulated Discovery Plan & Scheduling Order
31 (ECF No. 10), and enter the Proposed Order Extending Pretrial Deadlines and Modifying
32 Scheduling Order attached hereto as Exhibit “A”.

33 2. Pursuant to LR 26-4, Defendant has good cause for extension of the
34 remaining pretrial deadlines in this case. Defendant’s motion for an extension of the

1 deadlines for Fed. R. Civ. P. 26(a)(2) disclosures of experts are in advance of the expiration
 2 of those deadlines (currently October 1, 2021 for initial expert disclosures and November 1,
 3 2021 for rebuttal experts) and are a result of excusable circumstances as Defendant requires
 4 additional time to secure an expert to inspect and valuate the alleged damage to the property.
 5 Defendant has contacted several companies counsel has worked with in the past concerning
 6 fire damage, but none have experience with claims to land, as opposed to actual structures.
 7 As such, counsel requests additional time to secure an expert and to coordinate with Plaintiff
 8 concerning an inspection of the property.

9 3. Pursuant to LR 26-4, Defendant's motion for stipulated extensions is requested
 10 based on the following: a) As of the date of this Motion, the following discovery has been
 11 completed: the Plaintiff and Defendant conducted their FRCP 26(f) conference; Plaintiff and
 12 Defendant each served their Initial Disclosures with initial document production, with
 13 ongoing supplementation.

14 b) As of the date of this Motion, the following discovery remains to be completed:

- 15 1. Written discovery to Plaintiff and Defendants;
- 16 2. Depositions of the parties;
- 17 3. Designation and expert and rebuttal witnesses

18 c) Defendant's motion for stipulated extensions of the deadlines for Fed. R. Civ. P.
 19 26(a)(2) are in advance of the expiration of those deadlines and are the result of excusable
 20 circumstances due to the difficulty in securing an expert with adequate fire restoration
 21 experience, concerning this type of property, to inspect and valuate the alleged damage to
 22 the property. In addition, Defendant will also engage in pursuing its own discovery, and
 23 extending the deadlines will ensure it has sufficient time to do so. **The parties jointly**
 24 **stipulate to and request extensions of time to designate their experts, until on or before**
 25 **December 1, 2021 and to disclose any rebuttal experts, until on or before December**
 26 **31, 2021. Defendant requests to extend the current discovery deadline to January 31,**
 27 **2022.**

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1 d) Defendant includes for the Court's consideration its Proposed Order Extending the
2 Deadlines proposed herein. Defendant respectfully requests that the Court find that
3 Defendant has demonstrated the requisite showings of advance requests and of good cause
4 due to excusable circumstances, grant its First Motion to Extend Pretrial Deadlines and to
5 Modify the current Order governing Pretrial Deadlines in this case, and enter the Proposed
6 Order Extending Pretrial Deadlines attached hereto as Exhibit "A".

7 DATED this 10th day of September, 2021.
8 TYSON & MENDES LLP

9 */s/ Victoria L. Hightower*

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16 *Attorneys for Defendant*
17 *Fireworks by Grucci, Inc.*

18 **CERTIFICATE OF SERVICE**

19 The undersigned, an employee of Tyson & Mendes LLP, hereby certifies that on the
20 10th day of September, 2021, a copy of **MOTION TO EXTEND PRETRIAL**
DEADLINES AND TO MODIFY JOINT DISCOVERY PLAN AND SCHEDULING
ORDER (First Request), was served electronically to all parties of interest through the
21 CM/ECF electronic filing system.

22 **Order**

23 */s/ Allison Zeason*
An employee of Tyson & Mendes LLP

24 IT IS ORDERED that ECF No. 12 is
25 DENIED without prejudice. ECF No. 12 is
labeled as a motion but also states that
the parties stipulate to the requested
relief. Defendant is to refile the motion as
either a motion or a stipulation, whichever
is applicable, and comply with the Local
Rules in all respects.

26 IT IS SO ORDERED
27 DATED: 9:32 am, September 13, 2021

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BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

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10 **EXHIBIT “A”**
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**MOTION TO EXTEND PRETRIAL DEADLINES AND TO MODIFY JOINT
DISCOVERY PLAN AND SCHEDULING ORDER (First Request)**

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BEDROC LIMITED, LLC,

Plaintiff,

VS.

FIREWORKS BY GRUCCI, INC.,

Defendants.

Case No.: 2:21-cv-00936-RFB-BNW

**PROPOSED ORDER EXTENDING
PRETRIAL DEADLINES AND
MODIFYING JOINT DISCOVERY
PLAN AND SCHEDULING ORDER**

Defendant FIREWORKS BY GRUCCI, INC. ("Defendant") by and through its attorney of record TYSON & MENDES LLP, and Plaintiff BEDROC LIMITED, LLC ("Plaintiff"), by and through its attorney of record HOLLEY DRIGGS, and hereby submits this Proposed Order Extending Pretrial Deadlines, as follows: Fed. R. Civ. P. 26(a)(2) Disclosures (Experts): The parties' disclosures of experts shall be made on or before December 1, 2021. Disclosure of rebuttal experts shall be made by December 31, 2021, which is 30 days after the initial disclosure of experts. Discovery cut-off shall be on January 31, 2022.

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1 DATED this 10th day of September, 2021.

2 TYSON & MENDES LLP

3 /s/ *Victoria L. Hightower*

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Henderson, Nevada 89012
Attorneys for Defendant
Fireworks by Grucci, Inc.

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10 IT IS SO ORDERED

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12 DATED: _____

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15 UNITED STATES MAGISTRATE JUDGE



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18 Henderson, Nevada 89012
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